

Sixth Appellate District

San Jose, California

TUESDAY, NOVEMBER 13, 2007

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Elia, J.; and Beth Miller, Deputy Clerk.

H031081 PEOPLE v. DAX L.

Cause called and argued by Ann Michele Winterman appearing for Appellant and by Sharon R. Wooden, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H029978 PEOPLE v. THOMAS

Cause called and argued by David D. Martin appearing for Appellant and by Christopher J. Wei, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H030208 PEOPLE v. BUENROSTRO

Cause called and argued by Maritza B. Meskan appearing for Appellant and by Linda M. Murphy, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H029863 PEOPLE v. SILVA

Cause called and argued by John P. Dwyer appearing for Appellant and by Kelly M. Croxton, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H030146 MURRAY'S IRON WORKS, INC. v. BOYCE

Cause called and argued by James L. Dawson appearing for Appellant and by Kenneth Samuel Grossbart appearing for Respondent. Cause ordered submitted.

H030621 MAHONEY, et al. v. STATE FARM GENERAL INSURANCE COMPANY

Cause called and argued by Ellyn E. Nesbit appearing for Appellants and by Mark A. White appearing for Respondent. Cause ordered submitted.

Court adjourns.

H027313 PEOPLE v. SALDANA

The judgment is reversed, and the matter is remanded for resentencing and a hearing on defendant's ability to pay attorney's fees. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed November 13, 2007

Sixth Appellate District

San Jose, California

WEDNESDAY, NOVEMBER 14, 2007

H030757 SCHOENFELD v. CITY OF WALNUT CREEK

By the Court*:

Respondent's petition for rehearing is denied.

Filed: November 14, 2007

*Before Bamattre-Manoukian, Acting P.J., Mihara, J. and McAdams, J.

H030866 FOMENKO v. KOLODYAZHNAYA

We affirm the trial court's order of May 9, 2006, as modified by its order of September 14, 2006. Respondent shall have costs on appeal. (not published)

(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed November 14, 2007

H030287 PEOPLE v. ROBLEDO

The judgment is affirmed. (not published)

(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed November 14, 2007

H031047 PEOPLE v. STAMOS

The judgment is modified to amend the amount of the restitution fine imposed under Penal Code section 1202.4 to the amount of \$1,000, and to amend the amount of the parole revocation restitution fine imposed under Penal Code section 1202.45 to the amount of \$1,000 which fine is suspended. As so modified, the judgment is affirmed. The superior court is ordered to send a certified copy of the corrected abstract of judgment to the Department of Corrections. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed November 14, 2007

THURSDAY, NOVEMBER 15, 2007

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Elia, J.; and S. Nasson, Deputy Clerk.

H030020 PEOPLE v. STORY

Cause called and argued by Frank McCabe appearing for Appellant and by Jeffrey Laurence, Deputy Attorney General appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

THURSDAY, NOVEMBER 15, 2007 (continued)

H030945 PEOPLE v. CLEMONS

Cause called and argued by Elisa Nadeau appearing for Appellant and by Moe Jamil, Deputy Attorney General appearing for Respondent. Cause ordered submitted.

H030685 EMMER v. ADOBE SYSTEMS INCORPORATED

Cause called and argued by Damian Fernandez appearing for Appellant and by Janine Simerly appearing for Respondent. Cause ordered submitted.

H030956 ROYBAL, et al. v. GOVERNING BOARD OF THE SALINAS CITY ELEMENTARY SCHOOL DISTRICT, et al.

Cause called and argued by Keith Breon appearing for Appellants and by Michelle Welsh appearing for Respondents. Cause ordered submitted.

H031120 FOOTHILL-DEANZA COMMUNITY COLLEGE DISTRICT v. EMERICH, et al.

Cause called and argued by Aaron Katz and Gary Wesley appearing for Appellants and by Sean Absher appearing for Respondent. Cause ordered submitted. Justice Rushing leaves the bench. Justice Duffy takes the bench.

H031049 TANIMURA & ANTLE, et al. v. WCAB & LOPEZ

Cause called and argued by Daniel Hunt appearing for Petitioners and by Alfred Lombardo appearing for Respondents. Cause ordered submitted.

Court adjourns.

H030937 COUNTY OF SANTA CLARA v. SERVICE EMPLOYEES INTERNATIONAL; PUBLIC EMPLOYEES RELATIONS BOARD
By the Court:

On the court's own motion, the submission order in the above-entitled matter dated October 18, 2007, is hereby vacated. The court by separate letter issued November 14, 2007, has requested supplemental briefing from the parties. The cause will be resubmitted upon completion of supplemental briefing.

Dated: November 15, 2007 Bamattre-Manoukian, Acting P.J.

Sixth Appellate District

San Jose, California

THURSDAY, NOVEMBER 15, 2007 (continued)

H030272 CITY OF SAN JOSE v. OPERATING ENGINEERS LOCAL
UNION NO. 3, et al.

By the Court:

On the court's own motion, the submission order in the
above-entitled matter dated October 18, 2007, is hereby vacated.
The court by separate letter issued November 14, 2007, has
requested supplemental briefing from the parties. The cause will
be resubmitted upon completion of supplemental briefing.

Dated: November 15, 2007 Bamattre-Manoukian, Acting P.J.

H031352 PEOPLE v. MADRIGAL

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy,
J.)

Filed November 15, 2007

H032005 SYLVIA D. v. SUPERIOR COURT; SANTA CLARA CO. DEPT. OF
FAMILY & CHILDREN'S SERVICES

The petition is denied. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed November 15, 2007

The following cases are submitted this date:

H029620 PEOPLE v. WHYMS

H031173 PEOPLE v. SUPNET

H030969 TUBAN, as Trustee, etc. v. BACKHOUSE

FRIDAY, NOVEMBER 16, 2007

The following cases are submitted this date:

H031656 PEOPLE v. KEITH C.

H031608 In re JACOB O. et al.; SANTA CRUZ COUNTY HRA v. JACOB O.

H031780 PEOPLE v. MEDELLIN

H030989 PEOPLE v. FOREST C.

H031724 In re LICZULIC L.; D.F.C.S. v. VERONICA C., et al.

H030861 PEOPLE v. NGUYEN

The judgment is affirmed. (not published)
(Mihara, J.; I concur: McAdams, J., Bamattre-Manoukian, Acting
P.J., concurs with the judgment only)

Filed November 16, 2007

Sixth Appellate District

San Jose, California

FRIDAY, NOVEMBER 16, 2007

H030619 LANDI v. LANDI

The trial court's order of July 14, 2006, is reversed. The trial court is instructed to vacate its order to the extent it incorporates its determination of the marital standard of living and the amount of spousal support set forth in the trial court's tentative decision of April 7, 2006. The trial court shall reconsider its determination of the marital standard of living and the amount of spousal support in light of the opinions expressed herein. Appellant shall have his costs on appeal. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed November 16, 2007

H029635 PEOPLE v. HULTON

The judgment is reversed, and the matter is remanded for resentencing in accordance with *Sandoval*. (not published)

(Mihara, Acting P.J.; We concur: McAdams, J., Duffy, J.)

Filed November 16, 2007

H030223 PEOPLE v. RUIZ

The judgment is reversed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed November 16, 2007

H030031 JOHN ERNEST DANNENBERG ON HABEAS CORPUS

Dannenberg's petition is granted. The Governor's decision is vacated, and the Board's decision is reinstated. (published)

(Mihara, J.; I concur: McAdams, J.; With concurring opinion by Premo, Acting P.J.)

Filed November 16, 2007

H029396 PEOPLE v. AMAYA

The judgment is affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed November 16, 2007

Sixth Appellate District

San Jose, California

FRIDAY, NOVEMBER 16, 2007 (continued)

H031292 PEOPLE v. JULIAN R.

The order of commitment is reversed. Upon remand, the court is directed to correct errors in calculating the adult maximum term of imprisonment and to set the maximum period of confinement, based upon the facts and circumstances of the matter or matters that brought the ward under the jurisdiction of the juvenile court, for a period no greater than the adult maximum term of imprisonment. The court shall complete an amended Commitment to the California Department of Corrections and Rehabilitation, Division of Juvenile Justice form (JV-732) (published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed November 16, 2007